

Appl. No. 09/774,762
Amendment dated October 22, 2004
Reply to Office Action of June 8, 2004

Remarks

Claims 1 - 14 are in the application for consideration.

1. Applicant's undersigned attorney acknowledges the courtesies extended by Examiner Winter during the telephone interview held on October 12, 2004. No agreements were reached during the interview.

2. Applicant acknowledges the allowance of claims 1 - 10.

3. Claims 11 - 14 have been rejected under 35 U.S.C. § 101 as being drawn to non-statutory subject matter. In support of the rejection the examiner, in reference to the method recited in claim 11, has stated:

[T]his process might be performed without the aid of any technology and therefore the claimed method is not within the technological arts.

Applicant traverses this ground of rejection. Claims 11 - 14 comply fully with the criteria for patentability established by 35 U.S.C. § 101.

Claim 11, upon which claims 12 - 14 are dependent, has been amended to even more particularly point out and distinctly claim the subject matter recited therein. The claim now recites, in pertinent part:

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A method for a user to order customized identification documents over a network connected to a user interface in communication with a server coupled to the network, the method comprising the steps of:

The amended claim now makes it even more clear that the method is carried out with the aid of technology, in part with a network which is coupled to a server. The claimed method includes a number of method steps which can lead to the delivery of an identification document to a user. Thus, the claimed method produces a concrete tangible and useful result and complies with 35 U.S.C. § 101. See *AT&T v Excel Communications, Inc.*, 172 F3d at 1358, 50 USPQ 2d at 1452 (cited by the examiner).

The claimed method is clearly carried out with technology. The network recited in the claim, as described in the specification, may be the Internet. See, for example, page 1, lines 9 - 11 and page 5, lines 19 -20.

The method recited in claims 11 - 14 falls within the "process" category of the four enumerated categories of patentable subject matter in § 101. The claims are not drawn to any impermissible subject matter such as any judicially-created exceptions to the statutory categories of § 101.

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Reconsideration of this ground of rejection,
particularly in view of the amendments made in claim 11,
and withdrawal thereof are respectfully requested.

In summary, claims 11 - 14 have been shown to be
drawn to a statutory category of patentable subject
matter. Reconsideration of the application and
allowance of claims 1 - 14 are respectfully solicited.

Respectfully submitted,



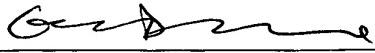
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CERTIFICATE OF MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: October 22, 2004



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